IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION

Stanley L. Schultz, Petitioner, vs. Timothy Schuetzle, Warden, North Dakota State Penitentiary Respondent.	)))))))))	Case No. A1-05-092 **ORDER**

The Petitioner, Stanley Schultz, filed a motion requesting leave of court for discovery of specific documents under Rule 6 of the Rules Governing Habeas Corpus Cases. (Docket No. 9) In his motion, he requested the production of money orders that were used as evidence against him in a disciplinary proceeding. He claims the money orders never existed and were falsified in order to find him guilty during the disciplinary proceeding.

The Respondent provided the court and the Petitioner with photocopies of two money orders and a photocopy of a cashier's check and an accompanying envelope. (Docket No. 11) The Respondent asserts these items were presented to the Disciplinary Board as evidence against the Petitioner. The Respondent supports this assertion by attaching an affidavit from the Inmate Records Supervisor, who states the photocopies are a true and accurate copy, in redacted form, of the evidence used against the Petitioner in his disciplinary proceedings. Id.

Therefore, because the Respondent has provided the requested discovery material to the Petitioner, the motion is **DENIED** as moot.

Dated this 1st day of December, 2005.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge